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FIBER TECHNOLOGIES NETWORKS, L.L.C.)	
140 Allens Creek Road)	
Rochester, NY 14618)	
)	
Complainant,)	
)	
v.)	D.T.E. 01-70
)	
TOWN OF SHREWSBURY ELECTRIC)	
LIGHT PLANT)	
100 Maple Avenue)	
Shrewsbury, MA 01545-5398)	
)	
Respondents.)	
)	

Fiber Technologies Networks, L.L.C. (“Fibertech”) hereby moves the Department for an extension of time to respond to the discovery requests propounded by Shrewsbury’s Electric Light Plant (“SELP”). As more fully set forth below, because of: (1) delay in receiving the Department’s Interlocutory Order dated December 24, 2002 (the “Order”) and the intervening holidays; (2) the volume of documents that would have to be produced; and (3) Fibertech’s forthcoming Motion for Reconsideration, Fibertech’s deadline for responding to the discovery requests identified in the Order should be extended and/or stayed until the Department has ruled on Fibertech’s Motion for Reconsideration.

1. The Order was issued on Christmas Eve, December 24, 2002. However, the Order appears not to have been not mailed to Fibertech on that date, and with the intervening holiday Fibertech did not in fact receive a copy of the Order (electronic or hard-copy) until the following Monday, December 30, 2002 (the day before New Year's eve). Outside counsel received it on Friday, December 27. The two holidays, the intervening weekend, and the fact that necessary personnel were on vacation during this time, has made it impossible for Fibertech to respond to SELP's discovery requests within the fourteen (14) days prescribed by the Order. For the same reasons, Fibertech seeks leave to submit this motion out of time to the extent it was due earlier.

2. Also, the volume of the documents that Fibertech would need to produce in response to SELP's discovery requests has also made it impossible for Fibertech to respond to SELP's discovery requests within the fourteen (14) days prescribed by the Order. Even responding to SELP-1-7 alone, which requests Fibertech to "provide *all* copies of *all* documents *concerning* Fibertech's "dark fiber" customers" (emphasis added), could be read to encompass more than half of all of the documents contained in Fibertech's offices. Other SELP requests are similarly voluminous and burdensome, and require sufficient time for extensive document review prior to production, especially in order to submit the documents under seal with a renewed motion for protective treatment.

3. Further, Fibertech will be filing forthwith a Motion for Reconsideration of the Order. Fibertech believes that, if granted, the reconsideration by the Department may obviate the

need for some or all of the discovery requests at issue, or at a minimum the reconsideration may limit the scope of several of the all-encompassing SELP discovery requests.

4. Fibertech has attempted without success to reach counsel for SELP to obtain assent to this motion and will continue efforts to do so.

For the foregoing reasons, Fibertech respectfully requests that Fibertech's deadline for responding to the discovery requests identified in the Order should be extended and/or stayed until the Department has ruled on Fibertech's Motion for Reconsideration.

Respectfully submitted,

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